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10/667,833	09/22/2003	Jeyhan Karaoguz	14286US02	1002

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EXAMINER
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CHEEMA, UMAR

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/667,833

Applicant(s)

KARAOGUZ ET AL.

Examiner

Umar Cheema

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Regarding to paragraph [01], lines 16, 17, and 19 of the specification are incomplete. US Patent Application numbers are missing in the Incorporation by Reference section.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 14-22, 25-27, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu, (US Patent # 7,065,778).

Regarding claim 1, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: a first television display (see col. 6 lines 21-28 and fig. 2; display 212 of PVR 200A) in a first home (see col. 6, lines 43-61, co. 1 lines 64-67, fig. 3);

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a first storage in the first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having an associated first network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

a second television display (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to "a second home"; fig. 3);

a second storage in the second home (see col. 10, lines 26-29, 40-43, data device 218 of a PVR is used for storing TV programs for future viewing), the second storage having an associated second network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3<sup>rd</sup> party storage vendor);

a communication network; and server software (EPG server 304) that receives a request (see search topic from PVR 200) that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server (see col. 6, lines 39-61, users associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display (see display 212 of PVR 200; col. 6, lines 21-28).

Regarding claim 2, Lu discloses the system of claim 1 wherein the first media comprises at least one of audio, a still image, video, and data (see col. 7, lines 25-28, network 300 operate with any type of media content: audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 3, Lu, discloses the system of claim 2 wherein the first media is real-time video (see col. 7, lines 25-28).

Regarding claim 4, Lu discloses the system of claim 1 wherein the 3rd party media comprises at least one of audio, a still image, video, and data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 5, Lu discloses the system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (see col. 10, lines 10-15, each PVR is associated with an IP address).

Regarding claim 6, Lu discloses the system of claim 1 wherein the at least one server comprises at least one of a 3rd party media provider, a 3rd party service provider, and a broadband head end (see col. 7, lines 20-24, lines 53-58, server 304 could be a 3<sup>rd</sup>

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party storage vendor).

Regarding claim 7, Lu discloses the system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (see col. 7, lines 1-8, PVR 200, 200A and EGP server 304 may be coupled via coaxial cable, copper wire, fiber optics, the internet 302, wireless communication and the like).

Regarding claim 8, Lu discloses the system of claim 7 wherein the communication network is the Internet (see col. 7, lines 1-8, internet 302).

Regarding claim 9, Lu discloses the system of claim 1 wherein the consuming comprises at least one of playing digitized audio, displaying a still image, displaying video, and displaying data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 14, Lu discloses the system of claim 1 further comprising a media guide interface for displaying media availability (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

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Regarding claim 15, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising:

a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having an associated first protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

a second television display (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to "a second home"; fig. 3), and having an associated second protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3<sup>rd</sup> party storage vendor);

set top box circuitry (see PVR 200A corresponding to "set top box circuitry"; col. 5, lines 26-35), in the first home, communicatively coupled to deliver the first media from the first storage to the second television display concurrent with consumption, at the first home, of at least the 3<sup>rd</sup> party media (see display 212 of PVR 200; col. 6, lines 21-28);

a communication network; and server software (EPG server 304) that receives a request (see search topic from PVR 200) that identifies one of the associated first and second protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and responds by identifying the other of the associated first and second protocol addresses (see col. 6, lines 45-50, IP address of PVR 200A is located (identified) for server to send request to record desired TV shows) to support delivery

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via the communication network of the 3rd party media from the at least one server and the first media from the first storage, to the second television display for concurrent consumption of the 3rd party media and the first media (see display 212 of PVR 200; col. 6, lines 21-28).

Regarding claim 16, the limitations of this claims has already been addressed (see claim 2 above).

Regarding claim 17, the limitations of this claims has already been addressed (see claim 3 above).

Regarding claim 18, the limitations of this claims has already been addressed (see claim 4 above).

Regarding claim 19, the limitations of this claims has already been addressed (see claim 5 above).

Regarding claim 20, the limitations of this claims has already been addressed (see claim 6 above).

Regarding claim 21, the limitations of this claims has already been addressed (see claim 7 above).



Regarding claim 22, the limitations of this claims has already been addressed (see claim 8 above).

Regarding claim 25, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising:

a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43); a second television display (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to "a second home"; fig. 3);

at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3<sup>rd</sup> party storage vendor); set top box circuitry (see PVR 200A corresponding to "set top box circuitry"; col. 5, lines 26-35), in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television display (see display 212 of PVR 200; col. 6, lines 21-28);

a communication network; and server software (EPG server 304) that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry (see col. 6, lines 39-61, users associated with IP addresses of PVRs).

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Regarding claim 26, the limitations of this claims has already been addressed (see claim 4 above).

Regarding claim 27, the limitations of this claims has already been addressed (see claim 7 above).

Regarding claim 29, the limitations of this claims has already been addressed (see claim 14 above).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-13, 23-24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, (US Patent # 7,065,778) in view of Cohen et al. (Cohen) (US Patent # 6,963,358).

Regarding claim 10, Lu discloses substantially the invention as claimed in claim 1 for the reason above however Lu does not disclose wherein the system of claim 1 further comprising: at least one first media peripheral communicatively coupled to the first storage. However in the same field of invention Cohen discloses at least one first media peripheral (digital camera 10) communicatively coupled to the first storage (device 100b, figure 6A, col. 13 lines 37-39). Therefore it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to combine Lu and Cohen teaching for a system wherein at least one first media peripheral communicatively coupled to the first storage. Motivation to do so would have been to make the modification to Lu would allow the media data of a peripheral to be transmitted to a remote location and allow authorized individuals to gain access and retrieve the media data as taught by Cohen (col. 3, lines 29-31, and col. 4, lines 42-54).

Regarding claim 11, the combination of Lu and Cohen disclose the system of claim 10 and Cohen further discloses wherein the at least one first media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (see col. 14, lines 19-

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27, fig. 6C of Cohen, peripheral in Cohen is a digital camera).

Regarding claim 12, Lu discloses substantially the invention as claimed in claim 1 for the reason above however Lu does not disclose wherein the system of claim 1 further comprising: at least one second media peripheral communicatively coupled to the second storage. However in the same field of invention Cohen discloses at least one second media peripheral (digital camera 10) communicatively coupled to the second storage (device 100b, figure 6A, col. 13 lines 37-39). Therefore it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to combine Lu and Cohen teaching for a system wherein at least one second media peripheral communicatively coupled to the second storage. Motivation to do so would have been to make the modification to Lu would allow the media data of a peripheral to be transmitted to a remote location and allow authorized individuals to gain access and retrieve the media data as taught by Cohen (col. 3, lines 29-31, and col. 4, lines 42-54).

Regarding claim 13, the limitations of this claims has already been addressed (see claim 11 above).

Regarding claim 23, the limitations of this claims has already been addressed (see claim 10 above).

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Regarding claim 24, the limitations of this claims has already been addressed (see claim 11 above).

Regarding claim 28, the limitations of this claims has already been addressed (see claim 11 above).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

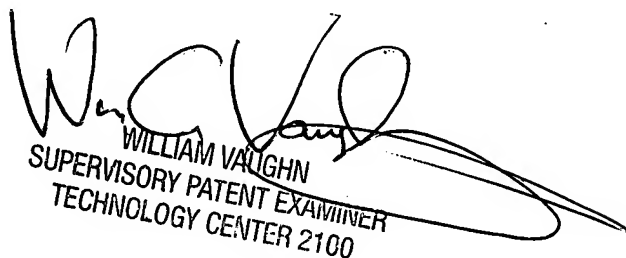
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Cheema whose telephone number is 571-270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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